

SENATE BILL No. 522

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-19.

Synopsis: Court computer and electronic processing fee. Requires a \$2 court computer and electronic processing fee to be: (1) collected in all civil, criminal, infraction, and ordinance violation actions; and (2) deposited in court computer and electronic processing funds established in each county. Allows money in the funds to be used to improve a court's electronic case filing system and computer case management system.

Effective: July 1, 2002.

Broden

January 14, 2002, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 522

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-19-5-1, AS AMENDED BY P.L.183-2001,
2 SECTION 4, AND AS AMENDED BY P.L.280-2001, SECTION 18,
3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
4 2002]: Sec. 1. (a) For each action that results in a felony conviction
5 under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the
6 clerk shall collect from the defendant a criminal costs fee of one
7 hundred twenty dollars (\$120).
8 (b) In addition to the criminal costs fee collected under this section,
9 the clerk shall collect from the defendant the following fees if they are
10 required under IC 33-19-6:
11 (1) A document fee.
12 (2) A marijuana eradication program fee.
13 (3) An alcohol and drug services program user fee.
14 (4) A law enforcement continuing education program fee.
15 (5) A drug abuse, prosecution, interdiction, and correction fee.
16 (6) An alcohol and drug countermeasures fee.
17 (7) A child abuse prevention fee.



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- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).
- ~~(11) A judicial salaries fee (IC 33-19-6-18).~~
- ~~(12)~~ **(11)** A document storage fee (IC 33-19-6-18.1).
- ~~(13)~~ **(12)** An automated record keeping fee (IC 33-19-6-19).
- ~~(14)~~ **(13)** A late payment fee (IC 33-19-6-20).
- ~~(15)~~ **(14)** A sexual assault victims assistance fee (IC 33-19-6-21).
- (15) A court computer and electronic processing fee (IC 33-19-6-22).**

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.
- (5) The court computer and electronic processing fee.**

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) First, the clerk shall apply the partial payment to general court costs.
- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
- (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
- (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.

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(5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 2. IC 33-19-5-2, AS AMENDED BY P.L.1-2001, SECTION 35, AS AMENDED BY P.L.183-2001, SECTION 5, AND AS AMENDED BY P.L.280-2001, SECTION 19, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

(1) A document fee (*IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3*).

(2) An alcohol and drug services program user fee (*IC 33-19-6-7(b)*).

(3) A law enforcement continuing education program fee (*IC 33-19-6-7(c)*).

(4) An alcohol and drug countermeasures fee (*IC 33-19-6-10*).

(5) A highway work zone fee (*IC 33-19-6-14*).

(6) A deferred prosecution fee (*IC 33-19-6-16.2*).

(7) A jury fee (*IC 33-19-6-17*).

~~(7) A judicial salaries fee (*IC 33-19-6-18*).~~

~~(8) A document storage fee (*IC 33-19-6-18.1*).~~

~~(9) An automated record keeping fee (*IC 33-19-6-19*).~~

~~(10) A late payment fee (*IC 33-19-6-20*).~~

(11) A court computer and electronic processing fee (IC 33-19-6-22).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

(1) The alcohol and drug services program user fee.

(2) The law enforcement continuing education program fee.

(3) The deferral program fee.

(4) The court computer and electronic processing fee.

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

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(1) the defendant was charged with an ordinance violation subject to IC 33-6-3;

(2) the defendant denied the violation under IC 33-6-3-2;

(3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and

(4) the defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars (\$52); and

(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 3. IC 33-19-5-3, AS AMENDED BY P.L.183-2001, SECTION 6, AND AS AMENDED BY P.L.280-2001, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) For each action filed under:

(1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or

(2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A marijuana eradication program fee.

(3) An alcohol and drug services program user fee.

(4) A law enforcement continuing education program fee.

(5) An alcohol and drug countermeasures fee.

~~(6) A judicial salaries fee (IC 33-19-6-18).~~

~~(7)~~ (6) A document storage fee (IC 33-19-6-18.1).

~~(8)~~ (7) An automated record keeping fee (IC 33-19-6-19).

~~(9)~~ (8) A late payment fee (IC 33-19-6-20).

(9) A court computer and electronic processing fee (IC 33-19-6-22).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are

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collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The marijuana eradication program fee.
- (2) The alcohol and drug services program user fee.
- (3) The law enforcement continuing education program fee.
- (4) The court computer and electronic processing fee.**

SECTION 4. IC 33-19-5-4, AS AMENDED BY P.L.183-2001, SECTION 7, AND AS AMENDED BY P.L.280-2001, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) For each civil action except:

- (1) proceedings to enforce a statute defining an infraction under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- (4) proceedings in paternity under IC 31-14;
- (5) proceedings in small claims court under IC 33-11.6; and
- (6) proceedings in actions under section 6 of this chapter;

the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100).

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A support and maintenance fee.
- ~~(3) A judicial salaries fee (IC 33-19-6-18).~~
- ~~(4) (3) A document storage fee (IC 33-19-6-18.1).~~
- ~~(5) (4) An automated record keeping fee (IC 33-19-6-19).~~
- (5) A court computer and electronic processing fee (IC 33-19-6-22).**

SECTION 5. IC 33-19-5-5, AS AMENDED BY P.L.183-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a small claims costs fee of thirty-five dollars (\$35).

(b) In addition to a small claims costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- ~~(2) A judicial salaries fee (IC 33-19-6-18).~~
- ~~(3) (2) A document storage fee (IC 33-19-6-18.1).~~
- (2) A document storage fee (IC 33-19-6-18.1).**



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~~(4)~~ (3) An automated record keeping fee (IC 33-19-6-19).

(4) A court computer and electronic processing fee (IC 33-19-6-22).

SECTION 6. IC 33-19-5-6, AS AMENDED BY P.L.183-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) Except as provided under subsection (c), for each action filed under:

(1) IC 6-4.1-5 (determination of inheritance tax);

(2) IC 29 (probate); and

(3) IC 30 (trusts and fiduciaries);

the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120).

(b) In addition to the probate costs fee collected under this section, the clerk shall collect from the party filing the action the following fees if they are required under IC 33-19-6:

(1) A document fee.

~~(2) A judicial salaries fee (IC 33-19-6-18).~~

~~(3)~~ (2) A document storage fee (IC 33-19-6-18.1).

~~(4)~~ (3) An automated record keeping fee (IC 33-19-6-19).

(4) A court computer and electronic processing fee (IC 33-19-6-22).

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

(1) Petition to open a safety deposit box.

(2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.

(3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 7. IC 33-19-6-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 22. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.**

(b) The clerk shall collect a court computer and electronic processing fee of two dollars (\$2).

SECTION 8. IC 33-19-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) A county user fee fund is established in each county for the purpose of financing various program services. The county fund shall be administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article, and by the probation department for the



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juvenile court under IC 31-34-8-8 or IC 31-37-9-9:

- (1) The pretrial diversion program fee.
- (2) The informal adjustment program fee.
- (3) The marijuana eradication program fee.
- (4) The alcohol and drug services program fee.
- (5) The law enforcement continuing education program fee.
- (6) The deferral program fee.
- (7) The jury fee.

(8) The court computer and electronic processing fee.

(c) All of the jury fee and two dollars (\$2) of every deferral program fee collected under IC 33-19-5-2(e) shall be deposited by the county auditor in the jury pay fund under IC 33-19-10.

(d) All the court computer and electronic processing fees collected under this article shall be deposited by the county auditor in the court computer and electronic processing fund established in the county under IC 33-19-11-2.

SECTION 9. IC 33-19-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 11. Court Computer and Electronic Processing Fund

Sec. 1. As used in this chapter, "fund" refers to the court computer and electronic processing fund established by section 2 of this chapter.

Sec. 2. (a) A court computer and electronic processing fund is established for each county. The fund shall be administered by the clerk.

(b) The fund consists of amounts deposited by the county auditor under IC 33-19-8-5(d).

Sec. 3. The fund may be used by the clerk to improve a court's electronic case filing system and computer case management system as follows:

- (1) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:**
 - (A) Computer hardware.**
 - (B) Computer software.**
 - (C) Wiring and computer networks.**
 - (D) Communication access systems used to connect with computer networks or electronic gateways.**
- (2) To pay for the services of full-time or part-time computer maintenance employees.**
- (3) To conduct computer training of court employees.**

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